

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JASON KOKINDA,
Petitioner,

v.

BRIAN COLEMAN,
KATHLEEN KANE, the Attorney General
of the State of Pennsylvania, and
JAMES B. MARTIN, the District Attorney
of the County of Lehigh,
Respondents.

CIVIL ACTION

NO. 13-2202

O R D E R

AND NOW, this 18th day of June, 2014, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Jason Kokinda, the record in this case, the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski dated May 30, 2014, Objections to R&R filed by *pro se* petitioner, and the various motions filed by *pro se* petitioner after the Report and Recommendation was filed, and on which Magistrate Judge Sitarski ruled by Order dated June 12, 2014, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski dated May 30, 2014, is **APPROVED AND ADOPTED**;
2. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Jason Kokinda, is **STAYED AND HELD IN ABEYANCE** until petitioner has exhausted his state remedies;
3. *Pro se* petitioner's Objections to R&R are **OVERRULED** on the ground that they address the merits of the case, not the recommendation of Magistrate Judge Sitarski that the

Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody be stayed and held in abeyance until petitioner exhausts his state remedies;

4. The Court **APPROVES AND ADOPTS** Magistrate Judge Sitarski's Order dated June 12, 2014, granting *pro se* petitioner's Petition for Extension of Time to File Traverse and Petition to Enlarge the Traverse Page Limits, and denying *pro se* petitioner's Petition to Hold Immediate Evidentiary Hearing. In doing so, this Court notes that Magistrate Judge Sitarski stated in the June 12, 2014 Order, that she will consider the *habeas* petition, the Commonwealth's response, petitioner's traverse in reply, and all other relevant submissions, when the state court proceedings have been completed and petitioner's state remedies have been exhausted; and,

5. A certificate of appealability will not issue because reasonable jurists would not debate (a) this Court's decision that the petition does not state a valid claim of the denial of a constitutional right, or (b) the propriety of this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.